

Panaji, 14th August, 1986 (Sravana 23, 1908)

SERIES I No. 20



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/13(2)/76-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP dated 29-6-1968 and in supersession of the existing Recruitment Rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the General Central Service, Group 'A' Gazetted posts in Public Works Department, Government of Goa, Daman and Diu, namely:—

**1. Short title, application and commencement.**—

(1) These rules may be called the Government of Goa, Daman and Diu, Public Works Department Group 'A', Gazetted post Recruitment Rules, 1986.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

**2. Number, classification and scales of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

**3. Method of recruitment, age limit and other qualifications.**— The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

**4. Disqualification.**— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**5. Power to relax.**— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

**6. Saving.**— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regards.

**7. These rules are issued with the approval of the Union Public Service Commission, granted under their letter No. F.3/29(7)/79-RR dated 18-4-1986.**

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 18th June, 1986.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promoted	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
1. Superintending Engineer/ /Sup-erintend-ing Surveyor work-of Works load. (Civil).	8 (1986)	General Subject to vari-ation /Sup-erintend-ing Surveyor work- of Works load.	Rs. 1500/- -60- Central Service Group 'A' Ga-zetted	Selection -1800- -100- -2000.	Not exceeding 45 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	No.	<i>Essential:</i> i) Degree in Civil Engineering of a recognised University or equivalent. ii) 10 years' experience in Civil Engineering Works.	Age: No. EQ: Yes	N. A.	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<i>Promotion:</i> Executive Engineer/Surveyor of Works (Civil) with 5 years' regular service in the grade.	1) Group 'A' D.P.C. (for considering promotion); i) Chairman /Member, U.P.S.C. — Chairman. ii) Chief Secretary Goa — Member. iii) Administrative Secretary, Goa — Member.	Consultation with U.P.S.C. necessary while selecting an officer for appointment on deputation.

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Elec-  
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(1986)  
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Central  
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Group  
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Rs. 1500-  
-60-  
-1800-  
-100-  
-2000.

Selec-  
tion

Not ex-  
ceeding 45  
years. (Re-  
laxable for  
Government  
servants  
upto 5 years  
in accord-  
ance with  
the instruc-  
tions or or-  
ders issued  
by the Cen-  
tral Govern-  
ment).

**Note:** The  
crucial date  
for determi-  
ning the age  
limit shall  
be the clo-  
sing date  
for receipt  
of applica-  
tions from  
candidates  
in India  
(other than  
those in An-  
daman and  
Nicobar  
Islands and  
Lakshad-  
weep).

No.

**Essential:**

- i) Degree in Mechan-  
ical/Electrical Engi-  
neering of a recogn-  
ised University or  
equivalent.
- ii) 10 years' experience  
in Electrical/Mechani-  
cal Engineering  
works.

**Note 1:** Qualifications  
are relaxable at the  
discretion of the U.P.  
S.C. in case of candi-  
dates otherwise well  
qualified.

**Note 2:** The qualifica-  
tion(s) regarding ex-  
perience is/are relax-  
able at the discretion  
of the U.P.S.C. in the  
case of candidates be-  
longing to Scheduled  
Castes and Scheduled  
Tribes if, at any stage  
of selection, the U.P.  
S.C. is of the opinion  
that sufficient number  
of candidates from  
these communities pos-  
sessing the requisite  
experience are not  
likely to be available  
to fill up the vacancies  
reserved for them.

Age: No  
EQ: Yes  
By promotion fail-  
ing which by  
transfer on de-  
putation and fail-  
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ment.

No  
year

tion. Period of  
deputation in-  
cluding period  
of deputation in  
another ex-ca-  
dre post held  
immediately  
preceding this  
appointment in  
the same orga-  
nisation/depart-  
ment shall not  
exceed 4 years).

**Promotion:**

Executive Engi-  
neer/Surveyor  
of Works (Me-  
chanical/Elec-  
trical) with 5  
years' regular  
service in the  
grade.

**Transfer on  
deputation:**

Officers of the  
Central/State  
Govts./Union  
Territories hold-  
ing: —

- a) posts of the  
rank of Super-  
intending En-  
gineer on a re-  
gular basis; or
- ii) with 5 years  
regular service  
of the rank of  
Executive Engi-  
neer; and
- b) possessing de-  
gree in Mechani-  
cal/Electrical  
Engineering  
of a recognised  
University or  
equivalent.

(The departmen-  
tal officers in  
the feeder cate-  
gory who are

in the direct  
line of promo-  
tion will not be  
eligible for con-  
sideration for  
appointment on  
deputation. Si-  
milarly deputa-  
tionists shall  
not be eligible  
for considera-

1) Group 'A'  
D.P.C. (for  
considering  
promotion).  
i) Chairman/  
Member,  
U.P.S.C. —  
Chairman.  
ii) Chief Se-  
cretary Goa  
Adm.  
— Member.  
iii) Adminis-  
trative Se-  
cretary,  
— Member.  
iv) Head of  
the Depart-  
ment —  
Member.

2) Group 'A'  
D.P.C. (for  
considering  
confirmation).

i) Chief Se-  
cretary, Goa  
Adm.

— Chairman.

ii) Adminis-  
trative Se-  
cretary,  
— Member.

iii) Head of  
the Depart-  
ment —  
Member.

**Note:** The  
Proceedings  
of the D.P.C.  
relating to  
confirmation  
shall be sent  
to the Com-  
mission for  
approval. If,  
however,  
these are not  
approved by  
the Commis-

1.	2.	3.	4.	5.	6.	6(a)	7.	8.	9.	10.	11.	12.	13.
3. Executive Engineer (Civil) Surveyor or of dependent Works (Civil).	28 (1986)	Gene-ral Subject to vari-ation	Rs. 1100-150- Central Service Group 'A' Ga-zetted	Selec-tion	No. Not ex-ceeding 40 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	<b>Essential:</b> i) Degree in Civil Engineering of a recognised University or equivalent. ii) 5 years' experience in Civil Engineering works.	Age: No EQ: Yes	1 year for di-rect re-cruits.	By promotion fail-ing which by transfer on de-puration and fail-ing both by di-rect recruit-ment.	2 years for pro-motee of-ficers.	tion for appoint-ment by promo-tion. Period of deputation in-cluding period of deputation in another ex-ca-dre post held immediately preceding this appointment in the same organ-i-sation/depart-ment shall not exceed 4 years).	sion a fresh meeting of the D.P.C. to be presi-ded over by the Chair-man or a Member of the U.P.S.C. shall be held.	

Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

**Note 2:** The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Age: No  
EQ: Yes

1 year for di-rect re-cruits.  
2 years for pro-motee of-ficers.

**Promotion:**  
Assistant Engi-neer/Assistant Surveyor of Works (Civil) Engineering Assistant (Ci-vil), Municipal Engineer (Civil) with 8 years' regular service in the respective grade.

**Transfer on deputation:**

Officers under the Central/State Govts./Union Territories:-

a) i) holding ana-logous posts of Executive Engineer on regular basis; or  
ii) with 5 years' regular service in posts of the rank of Assistant Executive Engineer; or

iii) with 8 years' regular service of the rank of Assistant Engi-neer; and

b) possessing de-gree in Civil En-gineering of a recognised Uni-versity or equi-valent.

(The departmen-tal officers in the feeder cate-

Selection on each occa-sion shall be made in consulta-tion with the Union Pub-lic Ser-vi-ce Com-mission.  
1) Group 'A' D.P.C. (for considering promotion).  
i) Chairman /Member, U.P.S.C. — Chairman.  
ii) Chief Se-cretary Goa — Member.  
iii) Adminis-trative Se-cretary, Goa — Member.

2) Group 'A' D.P.C. (for considering confirmation).  
i) Chief Se-cretary, Goa — Chairman.  
ii) Adminis-trative Se-cretary, Goa — Member.

**Note:** The Proceedings of the D.P.C. relating to confirmation shall be sent to the Com-mission for approval. If, however, the are not approved by the Commis-sion a fresh meeting of the D. P. C. to be presi-ded over by

4. Executive Engineer/  
Surveyor of  
works  
(Mechanical/  
Electrical).  
3  
(1986)  
Subject  
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Service  
Group  
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-1600.

Selec-  
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Not ex-  
ceeding 40  
years. (Re-  
laxable for  
Government  
servants  
upto 5 years  
in accord-  
ance with  
the instruc-  
tions or  
orders issued  
by the Cen-  
tral Govern-  
ment).

*Note:* The  
crucial date  
for determin-  
ing the age  
limit shall  
be the clos-  
ing date  
for receipt  
of applica-  
tions from  
candidates  
in India  
(other than  
those in An-  
daman and  
Nicobar  
Islands and  
Lakshad-  
weep).

No.

*Essential:*

- i) Degree in Mechan-  
ical / Electrical Engi-  
neering of a recogni-  
sed University or  
equivalent.
- ii) 5 years' experience in  
Mechanical/Electrical  
Engineering works.

*Note 1:* Qualifications  
are relaxable at the  
discretion of the U.P.  
S.C. in case of candi-  
dates otherwise well  
qualified.

*Note 2:* The qualifica-  
tion(s) regarding ex-  
perience is/are relax-  
able at the discretion  
of the U.P.S.C. in the  
case of candidates be-  
longing to Scheduled  
Castes and Scheduled  
Tribes if, at any stage  
of selection, the U.P.  
S.C. is of the opinion  
that sufficient number  
of candidates from  
these communities pos-  
sessing the requisite  
experience are not  
likely to be available  
to fill up the vacancies  
reserved for them.

Age: No  
EQ: Yes

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By promotion fail-  
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transfer on de-  
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*Promotion:*

Assistant Engi-  
neer (Mechani-  
cal/Electrical)/  
/Assistant Sur-  
veyor of Works  
(Mechanical/  
/Electrical)/  
/Engineering  
Assistant (Me-  
chanical/Elec-  
trical) with 8  
years' regular  
service in the  
respective  
grade.

*Transfer on  
deputation:*  
Officers under the  
Central/State  
Govts./Union  
Territories: —

- a(i) holding ana-  
logous posts of  
Executive Engi-  
neer on regular  
basis; or
- ii) with 5 years'  
regular service  
in posts of the  
rank of Assis-  
tant Executive  
Engineer; or
- iii) with 8 years'  
regular service

*Note:* The  
Proceedings  
of the D.P.C.  
relating to  
confirmation  
shall be sent  
to the Com-  
mission for

gory who are  
in the direct  
line of promo-  
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deputation in-  
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of deputation in  
another ex-ca-  
dre post held  
immediately  
preceding this  
appointment in  
the same orga-  
nisation/depart-  
ment shall ordi-  
narily not ex-  
ceed 3 years).

the Chair-  
man or a  
member of  
the U.P.S.C.  
shall be held.

- 1) Group 'A'  
D.P.C. (for  
considering  
promotion).
  - i) Chairman/  
/Member,  
U.P.S.C. —  
Chairman.
  - ii) Chief Se-  
cretary, Goa  
— Member.
  - iii) Adminis-  
trative Se-  
cretary, Goa  
— Member.
- 2) Group 'A'  
D.P.C. (for  
considering  
confirmation).
  - i) Chief Se-  
cretary, Goa  
— Chairman.
  - ii) Adminis-  
trative Se-  
cretary, Goa  
— Member.

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13	
											of the rank of Assistant Engineer; and b) possessing degree in Mechanical/Electrical Engineering of a recognised University or equivalent. (The departmental officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall ordinarily not exceed 3 years).			approval. If, however, these are not approved by the Commission a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U.P.S.C. shall be held.

## **Notification**

1/22/85-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)62-Goa dated 25th July, 1963 and in supersession of the existing recruitment rules for the post, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'C', Non Ministerial, Non Gazetted post in the Government Polytechnic under the Government of Goa, Daman and Diu; namely:—

**1. Short title, application and commencement:**—

(1) These rules may be called the Government of Goa, Daman and Diu, Government Polytechnic, Group 'C', Non-Ministerial, Non-Gazetted post Recruitment Rules, 1986.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

**2. Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

**3. Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

**4. Disqualification.**— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

(Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person, and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

**5. Power to relax.**—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

**6. Saving.**— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lt. Governor  
of Goa, Daman and Diu.

*N. P. Gaunekar, Under Secretary (Personnel).*

Panaji, 25th July, 1986.

**Law Department**  
**Legal Affairs Branch**

**Notification**

7-15-86/LA

The following Act which was passed by the Legislative Assembly and assented to by the Administrator of Goa, Daman and Diu on 1-8-1986 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting),  
Panaji, 5th August, 1986.

**THE GOA, DAMAN AND DIU APPROPRIATION  
ACT, 1986**  
(Act No. 3 of 1986)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1986-87.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India, as follows:

1. Short title.— This Act may be called the Goa, Daman and Diu Appropriation Act, 1986.

2. Issue of Rs. 2,52,00,36,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1986-87.— From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate [inclusive of the sums specified in column 5 of the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1986 (Act No. 2 of 1986)] to the sum of two hundred fifty two crores and thirty six thousand rupees towards defraying the several charges which will arise for payment during the financial year 1986-87 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.— The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

**THE SCHEDULE**  
(See Sections 2 & 3)

No. of Demand	Services and purposes	Sum not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union Territory of Goa, Daman and Diu	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1. Union Territory Legislature and Elections—		Revenue ...	21,96,000	1,04,000 23,00,000

	1	2	3	4	5
2. Miscellaneous General Services—			Rs.	Rs.	Rs.
Revenue ...	3,15,95,000		15,85,000		3,31,80,000
3. Administration of Justice—					
Revenue ...	49,90,000		10,000		50,00,000
4. Land Revenue, Stamps and Registration—					
Revenue ...	86,75,000		—		86,75,000
5. State Excise, Sales Tax and Other Taxes and Duties—					
Revenue ...	79,00,000		—		79,00,000
6. Taxes on Vehicles—					
Revenue ...	17,00,000		—		17,00,000
Interest Payments—					
Revenue ...	—		18,71,93,000		18,71,93,000
7. Police and Fire Services—					
Revenue ...	5,13,00,000		—		5,13,00,000
8. Jails—					
Revenue ...	24,00,000		—		24,00,
9. Stationery and Printing—					
Revenue ...	70,00,000		—		70,00,000
10. Other General and Economic Services—					
Revenue ...	90,60,000		—		90,60,000
11. Pension—					
Revenue ...	2,55,00,000		—		2,55,00,000
12. Public Works, Housing and Urban Development—					
Revenue ...	8,77,55,000		80,000		8,78,35,000
Capital (including Loans) ...	12,07,88,000		—		12,07,88,000
	Total ...	20,85,43,000	80,000		20,86,23,000
13. Roads and Bridges					
Revenue ...	4,70,00,000		—		4,70,00,000
Capital ...	6,60,00,000		—		6,60,00,000
	Total ...	11,30,00,000	—		11,30,00,
14. Education, Art and Culture—					
Revenue ...	30,94,60,000		—		30,94,60,000
Capital (including Loans) ...	58,80,000		—		58,80,000
	Total ...	31,53,40,000	—		31,53,40,000
15. Medical, Family Welfare and Public Health, Sanitation and Water Supply—					
Revenue ...	19,20,63,000		—		19,20,63,000
Capital ...	8,68,52,000		—		8,68,52,000
	Total ...	27,89,15,000	—		27,89,15,000
16. Information and Publicity—					
Revenue ...	49,00,000		—		49,00,000
17. Labour and Employment—					
Revenue ...	1,86,00,000		—		1,86,00,000
18. Social Security and Welfare, Relief on account of Natu-					

1	2	3	4	5
		Rs.	Rs.	Rs.
	ral Calamities and Food —			
	Revenue ...	2,80,57,000	—	2,80,57,000
	Capital (including Loans) ...	13,04,05,000	—	13,04,05,000
	Total ...	15,84,62,000	—	15,84,62,000
19.	Cooperation and Community Development —			
	Revenue ...	2,05,00,000	—	2,05,00,000
	Capital (including Loans) ...	89,01,000	—	89,01,000
	Total ...	2,94,01,000	—	2,94,01,000
20.	Agriculture and Allied Services —			
	Revenue ...	9,34,04,000	—	9,34,04,000
	Capital (including Loans) ...	7,72,71,000	—	7,72,71,000
	Total ...	17,06,75,000	—	17,06,75,000
21.	Irrigation and Power Projects —			
	Revenue ...	40,21,12,000	—	40,21,12,000
	Capital ...	15,61,40,000	—	15,61,40,000
	Total ...	55,82,52,000	—	55,82,52,000
22.	Industries —			
	Revenue ...	1,05,62,000	—	1,05,62,000
	Capital (including Loans) ...	2,68,74,000	—	2,68,74,000
	Total ...	3,74,36,000	—	3,74,36,000
23.	Road and Water Transport Services (including Ports) —			
	Revenue ...	2,15,40,000	—	2,15,40,000
	Capital ...	2,65,70,000	—	2,65,70,000
	Total ...	4,81,10,000	—	4,81,10,000
24.	Tourism —			
	Revenue ...	58,05,000	—	58,05,000
	Capital (including Loans) ...	1,31,95,000	—	1,31,95,000
	Total ...	1,90,00,000	—	1,90,00,000
	— Public Debt —			
	Capital (Public Debt) ...	—	20,48,98,000	20,48,98,000
25.	Loans and Advances by the Union Territory Governments			
	Capital (Loans and Advances)	1,32,16,000	—	1,32,16,000
	GRAND TOTAL ...	2,12,61,66,000	39,38,70,000	2,52,00,36,000
	Revenue ...	1,39,40,74,000	18,89,72,000	1,58,30,46,000
	Capital (including Public Debt and Loans) ...	73,20,92,000	20,48,98,000	93,69,90,000

(M. RAGHUCHANDER)

Secretary to the Government  
of Goa, Daman and DiuLaw Department (Legal Affairs  
Branch)Secretariat,  
Panaji-Goa.  
Dated: 5th August, 1986.

## Legislative Assembly of Goa, Daman and Diu

## Legislature Department

LA/B/1795/86

Dt. 5/8/86

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 1st August, 1986 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

## The Industrial Disputes (Goa, Daman and Diu Amendment) Bill, 1986

(Bill No. 27 of 1986)

A

## BILL

to amend the Industrial Disputes Act, 1947 in its application to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Industrial Disputes (Goa, Daman and Diu Amendment) Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Amendment of section 7.*— In section 7 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "Principal Act"), in sub-section (3), after clause (d), the following clauses shall be inserted, namely:—

"(d-1) he has practised as an advocate or attorney for not less than seven years in the High Court, or any Court subordinate thereto, or any Industrial Court or Tribunal or Labour Court, constituted under any law for the time being in force; or

(d-2) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower in rank than that of Deputy Registrar of any such Industrial Court or Tribunal for not less than five years; or

(d-3) he holds a degree in law of a university established by law in any part of India and is holding or has held an office not lower in rank than that of Assistant Commissioner of Labour under the State Government for not less than five years; or".

**3. Amendment of section 7-A.** — In section 7-A of the principal Act, in sub-section 3—

(i) in clause (a), after the words "Judge of High Court" the following words shall be inserted, namely:—

"or a District Judge or a person qualified for appointment as Judge of a High Court".

(ii) in clause (aa), after the words "as Additional District Judge", the words "or an Assistant Judge; or" shall be inserted.

**Statement of Objects and Reasons**

Difficulty is being experienced in appointing persons as the Presiding Officers of a Labour Court or Tribunal under the existing provisions of sub-section (3) of section 7 and sub-section (3) of 7A of the Industrial Disputes Act, 1947 as in this Union territory, there is a dearth of persons who could satisfy the qualification mentioned in the said sub-sections and as a result, the post of Presiding Officer in the Tribunal is vacant.

In order to surmount this difficulty it is proposed to relax the qualification of Presiding Officer of a Labour Court or Tribunal by amending sub-section (3) of section 7 and sub-section (3) of section 7A on the lines of the amendment carried out in the State of Maharashtra. This Bill seeks to achieve the above object.

**Financial Memorandum**

No financial implications are involved in this Bill:

Panaji,	SUBHASH SHIRODKER
21st July, 1986.	M. L. A.
Assembly Hall,	M. M. NAIK
Panaji,	Secretary to the Legislative Assembly
25th July, 1986.	of Goa, Daman and Diu

(Annexure to Bill No. 27 of 1986)

The Industrial Dispute (Goa, Daman and Diu Amendment) Bill, 1986

The Industrial Disputes Act, 1947  
(Central Act of 14 of 1947)

**Section 7-A**

- (a) he is, or has been, a Judge of a High Court; or
- (aa) he has, for a period of not less than three years, been a District Judge or an Additional District Judge;

Assembly Hall,	M. M. NAIK
Panaji,	Secretary to the Legislative Assembly
25th July, 1986.	of Goa, Daman and Diu

LA/B/1813/1986

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 5th August, 1986 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa, Daman and Diu Private Nursing Home (Regulation) Bill, 1986**

(Bill No. 29 of 1986)

A  
BILL

*to provide proper treatment and adequate facilities such as proper accommodation and proper nursing care to patients within the framework of the socio economic condition of the patients.*

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

**Preliminary**

**1. Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Private Nursing Home (Regulation) Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

**2. Definitions.** — In this Act, unless the context otherwise requires,—

(a) 'appointed day' means the date on which the provisions of this Act came into force;

(b) 'competent authority' means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act and different persons or authorities may be appointed to perform different functions;

(c) 'Government' means the Government of Goa, Daman and Diu;

(d) 'inspecting authority' means the Deputy Directors or the Health Officers or the Chief Medical Officers of the Directorate of Health Services, Government of Goa, Daman and Diu;

(e) 'licence' means a licence granted under the provisions of this Act;

(f) 'manager' in relation to a private nursing home means the person, by whatever name or designation called who is a qualified medical practitioner and is in charge of or is entrusted with, the running of private nursing home;

(g) 'medical treatment' means treatment in modern medicine or in any system of medicine like the Ayurvedic, the Unani, the Homoeopathic and the Naturopathic;

(h) 'modern medicine' means the western methods of allopathic medicine, obstetrics and surgery and it includes also radiotherapy, criotherapy, ultrasonic or any other method used in treatment of diseases by modern appliances and apparatus;

(i) 'nursing home' means a hospital or clinic or any other place where human-diseases are given preventive and or curative medical treatment;

(j) 'Official Gazette' means the Goa, Daman and Diu Government Gazette;

(k) 'private nursing home' means a nursing home which is not owned or sponsored by the Government or the Central Government;

(l) 'section' means section of this Act;

(m) 'qualified medical practitioner' means medical practitioner registered in the Union territory of Goa, Daman and Diu under the law in force for the registration of medical practitioner.

**3. Private nursing home to be licensed.** — On or after the appointed day, no private nursing home shall be established, run or maintained in the Union territory of Goa, Daman and Diu except under and in accordance with the terms and conditions of a licence:

Provided that a private nursing home in existence immediately before the appointed day shall also apply for the licence within a period of four months from such day and pending orders thereon, may continue to be run but subject to the provisions of this Act.

**4. Standards.** — Every private nursing home shall conform to the standards which may be prescribed regarding the operation theatre, accommodation, staff, facilities to be provided to the patients, maintenance and like matters.

**5. Fees to be charged.** — (1) For the medical treatment given, no private nursing home shall charge or collect fees in excess of the scales of fees that may be prescribed.

(2) Fees shall be prescribed having regard to the nature of the disease, the treatment and other like matters.

**6. Application for licence.** — Every person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in such form and alongwith such fees as may be prescribed.

**7. Disposal of applications.** — (1) On receipt of the application under section 6 and after such enquiry as he may deem necessary, the competent authority may, by order, grant or refuse to grant the licence. Where the licence is refused, brief reasons for such refusal shall be given.

(2) Every order under sub-section (1) shall as soon as may be after it is made, be communicated to the applicant:

Provided that where no such communication is issued before the expiry of ninety days from the date on which the application was made, the licence shall be deemed to have been refused.

**8. Factors to be taken into account in disposing of application.** — In disposing of the applications under section 6, the competent authority shall have regard to the following, namely:

(a) whether the premises housing the nursing home is suitable hygienically or otherwise;

(b) whether the nursing home is adequately staffed with qualified doctors, nurses, technical and other personnel; and

(c) such other factors as may be prescribed.

**9. Inspections, etc.** — (1) The inspecting authority may at any time, inspect a private nursing home to satisfy himself that the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the inspecting authority may, by order, direct the manager to remedy the same within such time as may be specified in the order. Thereupon, the manager shall comply with every such direction and make a report of compliance to the inspecting authority.

**10. Defaults.** — (1) If in any private nursing home a free access to the inspecting authority is obstructed or prevented in any manner by the manager or his staff, the competent authority after receiving such information and after giving the concerned person an opportunity of being heard, may impose a fine which may extend to five hundred rupees without detriment to any other action taken under sub-section (2).

(2) If any private nursing home commits default in observing any of the conditions of the licence or fails to comply with the directions issued under section 9 or contravenes any of the provisions of this Act, the competent authority may, by order, revoke the licence:

Provided that no such order shall be made except after giving the person concerned an opportunity of making representation against the proposal.

(3) The fine imposed shall be paid by the manager of the nursing home within the period of ten days from the date of such order. In case of non-payment of fine within the period of ten days, the same shall be recovered as an arrear of land revenue under the law for the time being in force.

**11. Appeals.** — (1) Any person whose application for licence is refused or deemed to have been refused and any person aggrieved by any other order under this Act, may prefer an appeal to the prescribed appellate authority.

(2) Every such appeal shall be preferred within thirty days from the date of the order appealed against is communicated or is deemed to have been made. The order of the appellate authority on appeal shall be final.

**12. Penalty.** — Whoever contravenes any of the provisions of this Act or the terms and conditions of a licence shall be liable, on conviction, to imprisonment which may extend to six months or with fine which may extend to five thousand rupees.

**13. Cognizance and trial of offence.** — (1) No Court inferior to that of Judicial Magistrate of first class shall try any offence under this Act:

Provided that no such Court shall take cognizance of offence except on a complaint made by the competent authority or any other officer authorised by him either generally or specially in writing.

**14. Indemnity.** — No suit or legal proceedings shall lie against the Government or any officer of the

Government in respect of anything which is in good faith done by or under this Act.

**15. Rules.** — (1) The Government may, subject to the condition of previous publication make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

- (a) the standards referred to in section 4;
- (b) form of application under section 6;
- (c) condition subject to which licence may be granted;
- (d) other factors to be taken into account under section 8;
- (e) fees to be paid on applications and appeals; and
- (f) the fees to be charged for the medical treatment given, the accommodation and facilities provided.

**16. Repeal and saving.** — (1) On the commencement of the Act, any law in force in the Union territory of Goa, Daman and Diu providing for any matter for which provision is made in this Act, shall stand repealed.

(2) Notwithstanding the repeal by this Act of any corresponding law, all the rules, regulations and bye-laws relating to the nursing home made under such corresponding law and in force immediately before the commencement of this Act shall, except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules made under this Act.

#### Statement of Objects and Reasons

There is quite a large number of private nursing homes in this Union Territory and the Government is not in a position to regulate their activities as there is no suitable legislation to that effect.

This Bill, therefore, seeks to regulate the functioning of private nursing homes so as to ensure proper Medical treatment and adequate facilities such as proper accommodation and proper nursing care to patients at reasonable cost.

#### Memorandum of Delegated Legislation

Clause 15 of the Bill empowers the Government to make rules for carrying out the purposes of the Act.

This delegation is of normal character.

#### Financial Memorandum

Under the Bill, most of the duties are to be performed by the existing staff of the Directorate of Health Services. At this stage, no financial implications are involved. However, there would be some financial implications involving future expansion and the strengthening of services to meet the requirements of the Bill.

The Bill also provides for levying certain fines for default or contravention of the provisions of the Bill on the part of the management of the concerned Institutions. The revenue which may be accrued on this account cannot be ascertained at this stage.

Panaji, SHAIKH HASSAN HAROON  
4th August, 1986. Minister for Health

Panaji, M. M. NAIK  
5th August, 1986. Secretary to the Legislative Assembly  
Assembly Hall, of Goa, Daman and Diu

Administrator's recommendation under  
Section 23 of Government of Union Territories Act, 1963.

In pursuance of sub-section (1) and (3) of Section 23 of the Government of Union territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Private Nursing Home (Regulation) Bill, 1986.